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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,367	02/06/2004	Michele L. Woodruff	24250.00	6789

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EXAMINER

VALENTI, ANDREA M

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/772,367

Applicant(s)

WOODRUFF, MICHELE L.

Examiner

Andrea M. Valenti

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-14 is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,967,095 to Greves.

Regarding Claims 1 and 2, Greves teaches an illuminated retractable leash (Greves Fig. 8 #12), comprising: a housing having a grip portion (Greves Fig. 8 #50); inherently teaches spring-based spool rotatably supported in said housing (Greves Col. 6 line 52); an extendible roll of electroluminescent wire (Greves #12) wound around the spool, the wire having a free end adapted for attachment to a pet collar (Greves #24); and a DC to AC power inverter and DC input jack (Greves Col. 5 lines 15-16), electric output thereof selectively connected to one end of the electroluminescent wire.

Regarding Claim 3, Greves teaches a stop mechanism for engaging said spool and for blocking the extension winding up of said electroluminescent wire about said spool (Greves #60).

Regarding Claim 6, Greves teaches a battery holder capable of holding at least one battery, said battery holder having electrical leads selectively connected to said inverter (Greves Col. 5 line 1 and line 13).

Regarding Claim 9, Greves teaches a switch (Greves #40) electrically connected to the inverter operative to apply power to said electroluminescent wire.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5, 7, and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,967,095 to Greves in view of U.S. Patent No. 4,895,110 to LoCascio.

Regarding Claim 4, Greves is silent on a printed circuit board disposed in the housing, the DC to AC power inverter mounted thereon. However, LoCascio teaches an electroluminescent dog collar with a printed circuit board (LoCascio Col. 3 line 1-5). It would have been obvious to one of ordinary skill in the art to modify the teachings of Greves with the teachings of LoCascio at the time of the invention for the advantage of modularity and for ease of manufacturing to have an established circuit.

Regarding Claims 5 and 10, Greves as modified is silent on the printed circuit board is centrally mounted to a lateral surface of said spool, whereby said printed circuit board rotates in conjunction with said spool. However, it would have been obvious to one of ordinary skill in the art to modify the teachings at the time of the invention since the modification is merely a shift in location of a known element performing the same intended function modified for an efficient use of space, for a more pleasing aesthetic

Art Unit: 3643

design, or for ease of assembly [*In re Japikse*, 181 F.2d 1019, 1023, 86 USPQ 70, 73 (CCPA 1950)].

Regarding Claims 7 and 11, Greves as modified teaches the battery holder disposed on said printed circuit board (LoCascio Col. 3 line 1-5).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,967,095 to Greves and U.S. Patent No. 4,895,110 to LoCascio. as applied to claim 10 above, and further in view of U.S. Patent No. 5,946,071 to Feldman.

Regarding Claim 12, Greves as modified is silent on the spool being transparent and at least part of the housing is transparent. However, Feldman teaches an electroluminescent light source housed in transparent members (Feldman Col. 5 line 14). It would have been obvious to one of ordinary skill in the art to modify the teachings of Greves with the teachings of Feldman at the time of the invention since the modification is merely the selection of a known plastic material for intended use to create an artistic and aesthetic appeal.

Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,967,095 to Greves in view of U.S. Patent No. 5,946,071 to Feldman.

Regarding Claim 8, Greves is silent on the spool being transparent and at least part of the housing is transparent. However, Feldman teaches an electroluminescent light source housed in transparent members (Feldman Col. 5 line 14). It would have been obvious to one of ordinary skill in the art to modify the teachings of Greves with

Art Unit: 3643

the teachings of Feldman at the time of the invention since the modification is merely the selection of a known plastic material for intended use to create an artistic and aesthetic appeal.

Allowable Subject Matter

Claims 13-14 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Cited references U.S. Patent No. 5,946,071; U.S. Patent No. 5,967,095; U.S. Patent No. 4,895,110; PCT WO 00/13750; European Patent EP000464725A1; U.S. Patent Pub. US 2002/0011219; U.S. Patent No. 3,123,052; U.S. Patent No. 5,890,456; U.S. Patent No. 5,245,516; U.S. Patent Pub. US 2004/0084271; U.S. Patent No. 5,950,571; U.S. Patent No. 5,426,792; U.S. Patent No. 6,085,698 teach a housing having a grip portion; spring-biased spool rotatably supported in said housing; an extendible of electroluminescent wire wound around said spool, said electroluminescent wire having at least two conductors, the conductors electrically connected to the pair of concentrically disposed conducting surfaces, said wire having a free end adapted for attachment a pet collar; a retractor mechanism whereby slack section of the wire can be taken up automatically by the spring-based spool when the maximum extension length of said wire not being used; printed circuit board disposed in said housing, said printed circuit board having a DC to AC power inverter, the electric output thereof connected to the pair of housing mounted electric contacts, a battery holder disposed in the housing, the battery holder having electrical leads selectively supplying power to the inverter.

The prior art of record all fails to show, and fails to make obvious, either alone and/or in combination the spool having pair of electrically conducting surfaces concentrically disposed on a lateral surface of said spool and a pair of electric contacts mounted to said housing and positioned to make continuous electric contact with said pair of concentrically disposed conducting surfaces as the spool rotates.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

PCT WO 00/13750; European Patent EP000464725A1; U.S. Patent Pub. US 2002/0011219; U.S. Patent No. 3,123,052; U.S. Patent No. 5,890,456; U.S. Patent No. 5,245,516; U.S. Patent Pub. US 2004/0084271; U.S. Patent No. 5,950,571; U.S. Patent No. 5,426,792; U.S. Patent No. 6,085,698.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 703-305-3010. The examiner can normally be reached on 7:30am-5pm M-F; Alternating Fridays Off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703-308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3643

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Andrea M. Valenti
Examiner
Art Unit 3643

13 July 2004


Peter M. Poon
Supervisory Patent Examiner
Technology Center 3600